

City of Lafayette Staff Report

To: City Council
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From: Mike Moran, Associate Engineer
Date Written: Sept. 4, 2009
Meeting Date: September 14, 2009
Subject: Mount Diablo Multi-Purpose Pathway, Project No. 014-9676
Accept Project as Complete

Introduction

The East Bay Municipal Utility District (EBMUD) agreed to fund, up to \$350,000, for the design and construction of a new multi-purpose pathway along the south side of Mount Diablo Boulevard from Village Center to the Reservoir entrance in conjunction with its project to upgrade infrastructure in the vicinity of the Lafayette treatment plant. The City Council allocated an additional \$20,000 from the general fund to fully fund the anticipated construction costs.

The City entered into a construction contract for the Project with HSR, Inc. on March 23, 2009. This project is now complete and ready for Council acceptance.

Discussion

Since the low bid for the project (\$198,894) was significantly lower than the total allocated budget (\$370,000), the City worked with EBMUD and the Contractor to increase the scope of the project and extend the pathway. The pathway was extended 1,100 linear feet to the west of the Reservoir entrance to bridge the gap left between the planned pathway and an existing sidewalk that connects to the crosswalk at El Nido Ranch Road. This extension increased the length of the pathway 70 percent while maximizing EBMUD's contribution with only moderate matching funds coming from the City.

Numerous subcontractors and suppliers have alleged they have not been paid by HSR, Inc. for work they performed on the project. These subcontractors have filed Stop Notices with the City which amount to approximately \$192,288.31. At least one of the subcontractors has filed a lawsuit against the City to recover amounts HSR, Inc. allegedly failed to pay it. The City has withheld and continues to withhold the remaining funds due to HSR, Inc. for the project as required by Civil Code Section 3186 because it does not know whether to pay those sums to HSR, Inc. or the subcontractors, all of which claim a right to the funds. Funds in the amount of \$111,819.79 are being withheld pending the resolution of the Stop Notice claims.

Project Budget/Cost Summary

EBMUD Contribution	\$	350,000
Additional City Contribution		20,000
Design, Design Surveying, Administration	\$	(21,622)
Construction Surveying, Testing, and Inspection	\$	(10,734)
Construction	\$	(354,944)
Project Balance	\$	(17,300)

Fiscal Impact

At the time this project was awarded Council agreed to allocate money from the walkway fund balance to bridge any shortfall in budget. The Capital Improvements Account Fund Balance includes money collected from development for walkways (Walkway Fees). \$17,300 could be allocated from this balance to fully fund the project.

Recommendation

Allocate \$17,300 from Fund 014 Walkways Fee Balance.

Staff recommends that the City Council accept all work performed by HSR, Inc. for the Mount Diablo Multi-Purpose Pathway Project (Project No. 014-9676) as complete and authorize the final payment to be made including release of retention, pending approval of the City Attorney, in accordance with the City Attorney's recommendations concerning the Stop Notice claims.